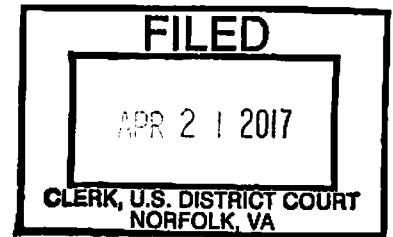


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



BRETT N. COE,

Plaintiff,

v.

Case No. 2:16cv365

IHOP RESTAURANTS, LLC,<sup>1</sup>  
a foreign limited  
liability company,  
and  
CFRA, LLC,  
a foreign limited  
liability company,

Defendants.

ORDER

This matter comes before the court on defendant, CFRA, LLC's, Motion to Dismiss Count II of the Amended Complaint (ECF No. 21) filed on February 15, 2017. The matter was referred to a United States Magistrate Judge by Order of March 9, 2017, (ECF No. 25), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the matter.

The United States Magistrate Judge's Report and Recommendation (ECF No. 26) was filed on March 29, 2017. The Magistrate Judge

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<sup>1</sup> Plaintiff voluntarily dismissed IHOP Restaurants, LLC, on August 19, 2016. (ECF No. 9).


recommended that the court grant defendant's Motion to Dismiss Count II of plaintiff's Amended Complaint, and that Count II of plaintiff's Amended Complaint be dismissed with prejudice.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed March 29, 2017. Accordingly, defendant's Motion to Dismiss Count II of plaintiff's Amended Complaint is **GRANTED**, and Count II of plaintiff's Amended Complaint is **DISMISSED WITH PREJUDICE**.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/  
\_\_\_\_\_  
Rebecca Beach Smith  
Chief Judge

  
\_\_\_\_\_  
REBECCA BEACH SMITH  
CHIEF JUDGE

April 21, 2017